

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KAREEM OZIER,)	
)	
Petitioner,)	
)	
v.)	No. 4:00CV01038 AGF
)	
AL LUEBBERS,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on Petitioner Kareem Ozier’s motion for relief from judgment, pursuant to Federal Rules of Civil Procedure 60(b)(1) and 60(b)(6). Petitioner’s petition for habeas relief under 28 U.S.C §2254 was denied on May 31, 2001. On October 16, 2001, the Eighth Circuit Court of Appeals denied Petitioner’s application for a certificate of appealability and dismissed the appeal. Petitioner asserts that relief from judgment is warranted under Rule 60(b)(6), a catch-all provision which authorizes relief for “any . . . reason that justifies relief.” Fed. R. Civ. P. 60(b)(6).

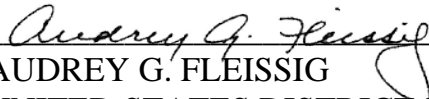
“Rule 60(b) provides for extraordinary relief which may be granted only upon an adequate showing of exceptional circumstances.” *Schedin v. Ortho-McNeil-Janssen Pharms., Inc.*, 739 F.3d 401, 404 (8th Cir. 2014). Relief under Rule 60(b)(6) is “exceedingly rare as relief requires intrusion into the sanctity of a final judgment.” *Gaydos v. Guidant Corp.*, 496 F.3d 863, 868 (8th Cir. 2007). Petitioner asserts that exceptional circumstances exist here due to his lack of meaningful access to prison law

libraries so that he could not develop the facts to support two of his claims, one challenging the sufficiency of the evidence and one challenging the verdict director. He also argues that due to his state post-conviction counsel's failure to raise these two claims in a timely manner, they were not considered by the state court.

Upon review of the record, the Court concludes that Petitioner has not demonstrated "exceptional circumstances" to warrant relief under Rule 60(b)(6).

Accordingly,

IT IS HEREBY ORDERED that Petitioner's motion for relief from judgment is **DENIED**. (ECF. No. 31.)


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of December, 2017.